

IN THE MATTER OF:

COMPLAINT NO. R9-2002-331
FOR
ADMINISTRATIVE CIVIL LIABILITY

NONCOMPLIANCE WITH CALIFORNIA WATER CODE SECTION 13267

1. The City of San Diego, AMEC Earth and Environmental, and Tri-County Drilling, Inc., (Parties) are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability under sections 13268 and 13350 of the California Water Code (Water Code).

2. The Parties failed to submit a preliminary site conceptual model that satisfied the requirements of the investigative order in this matter. An adequate preliminary site conceptual model was due on January 25, 2002, and was not received by that date, nor has it been received as of the date of this complaint.
3. The Parties failed to submit a workplan to conduct a soil and groundwater investigation to delineate the extent of soil and groundwater contamination at the site of the rupture of the Chevron Products Company underground fuel pipeline, and to determine possible impacts to the water quality of San Diego Bay, to human health, and to the environment that satisfied the requirements of the investigative order in this matter. A workplan was due on January 25, 2002, and was not received by that date, nor has it been received as of the date of this complaint.

DATE OF HEARING

4. A hearing before the Regional Board on the violation alleged in this complaint will be held on December 11, 2002, during the regularly scheduled meeting of the Regional Board.

PROPOSED CIVIL LIABILITY

5. Considering the factors listed in Water Code section 13327, civil liability should be imposed on the Parties by the Regional Board in the amount of two hundred dollars (\$200) per day for each violation after January 25, 2002, until an adequate preliminary site conceptual model and a workplan (reports) are received by the Regional Board. If adequate reports are not received by December 11, 2002, (the date of the hearing on this complaint) the total liability for violations alleged herein up to that date will be one hundred twenty-eight thousand dollars (\$128,000).

Dated this 23rd day of October, 2002

By: _____
JOHN H. ROBERTUS
Executive Officer
Regional Water Quality Control Board,
San Diego Region